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10/674,769	09/30/2003	Nathanael F. Ehrich	RSW920030073US1	4444
43168 7590 05/07/2007 MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742			EXAMINER HUYNH, THU V	
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			2178	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/674,769

Applicant(s)

EHRICH ET AL.

Examiner

Thu V. Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/06</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2178

**DETAILED ACTION**

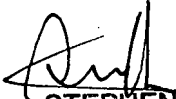
1. In view of the appeal brief filed on 12/20/06, PROSECUTION IS HEREBY REOPENED. News ground of rejections set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
STEPHEN HONG  
SUPERVISORY PATENT EXAMINER

Art Unit: 2178

2. This action is responsive to communications: appeal brief filed on 12/20/06 to application filed on 09/30/03.
3. Claims 1-5 and 7-19 are pending in the case. Claims 1, 13, 18-19 are independent claims.
4. All rejections in previous office action have been withdrawn as necessitated by the appeal brief.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 6-12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al., US 6,457,030 B1, filed 01/99, patented 09/24/02 in view of Hill et al., US 6,023,714, filed 04/24/97.

Regarding independent claim 1, Adams teaches the steps of:

Art Unit: 2178

- receiving a request for content (Adams, col.5, lines 59-60; col.7, lines 52-58; server receiving a request for a web page (HTML document) from a client's pervasive device);
- locating a template for the requested content, wherein the template specifies a plurality of alternative selectable views of a component that forms a portion of the content and conditions under which each of the views should be selected (Adams, col.5, lines 59-67; col.9, line 37 – col.10, line 26; locating HTML template 40 (fig.5B) for the requested content, wherein the template specifies many of alternative views (fig.5B, alternative images 44a, 44b, 44c, 46a, 46b, 46c) under conditions, such as width, height or fidelity, etc. for different type of pervasive computer device, so that one of alternative images 44a, 44b, 44c is selected for replacing image 30 in HTML file of fig.5A. Similarly, one of alternative images 46a, 46b, 46c is selected for replacing image 32 in HTML file of fig.5A);
- evaluating one or more factors to determine an evaluation result, wherein the factors are determined from the specified conditions (Adam, col.6, lines 35-47; col.10, lines 11-19; display characteristic of pervasive computer device requesting the web page, such as screen height, screen width or color depth must be evaluated to have a result to decide one of alternative images for the display capabilities of the pervasive device requesting the web page, should be used for the replacing);
- using the determined evaluation result to select a particular one of the specified alternative selectable views (Adam, col.6, lines 35-47; col.10, lines 11-19; selecting one of alternative images based on the result of evaluation);

- using the particular one of the specified alternative views for the portion of the content (Adams, col.9, lines 54-58; col.10, lines 11-26; replacing image 30 in the HTML file in fig.5A with the selected alternative image and displaying the web page with the selected alternative image via pervasive computing device requesting the web page).

Adams teaches the template file comprising the selectable alternative views and the conditions for transforming a content source is referred from the content source through a reference link (Adams, fig. 5A, reference link <link href= "http://foo.com/catalog.meta">). However, Adams does not explicitly disclose the template is within the content source.

Hill teaches a transformation file for transforming a content source is within a content source or referred from a content source using a reference link (Hill, col.7, line 52 – col.8, line 43).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hill's teaching and Adams' teaching to embed the template into the content source, since the combination would have provided information for displayed the document in a single file in stead of two separated files as Hill disclosed.

**Regarding claim 2**, which is dependent on claim 1, the combination of Adams and Hill teaches the request is received from a client-side device and further comprising the step of returning a response to the client-side device, wherein the response comprises the content file with the particular one of the alternative selectable alternative views incorporated therein (Adams, col.9, lines 54-58; col.10, lines 1-26; server receives the request for a web page (HTML

Art Unit: 2178

document) from a client's pervasive device; selecting one of alternative image for replacing image 30 in the requested web page and providing the modified requested web page for displaying in client's pervasive computer device; Hill, col.7, line 52 – col.8, line 43). The rationale is incorporated herein.

**Regarding claim 3**, which is dependent on claim 1, the combination of Adams and Hill teaches the requested content is a particular Web page and the template is a Web page template comprising syntax that defines a content portion of the particular Web page (Adams, figures 5A and 5B; a particular web page (fig.5A, HTML document) is requested by the client's pervasive computing device. The template 40 is a web page template (fig.5B, XML document) that specifies syntax for selectable alternative images; Hill, col.7, line 52 – col.8, line 43). The rationale is incorporated herein.

**Regarding claim 4**, which is dependent on claim 1, Adams teaches the content file is a markup language document (Adams, fig.5A, the content file is HTML).

**Regarding claim 7**, which is dependent on claim 4, the combination of Adams and Hill teaches each of the selectable alternative views is specified as a child element of a particular parent element in the markup language document, wherein each child element has as a value its associated alternative selectable view (Adams, fig.5B, alternative images is specified as child element 44a, 44b, 44c of a particular parent element "<RDF:LI>", wherein each child element

Art Unit: 2178

has a value of "BYTES" associated with the alternative view; Hill, col.7, line 52 – col.8, line 43).

The rationale is incorporated herein.

**Regarding claim 8**, which is dependent on claim 1, the combination of Adams and Hill teaches the template specifies alternative selectable views for a plurality of components and conditions under which each of the views of each of the components should be selected, and wherein the evaluating steps and the steps of using the determined evaluation result and using the particular one apply to each of the components (Adams, col.10, lines 2-26; template specifies alternative views for many components, such as images 30 and 32 in HTML file of fig.5A. One of alternative images 44a, 44b, 44c is selected for replacing image 30 in HTML file of fig.5A based upon the evaluation of "HIEGHT", "WIDTH", or "COLOR" values of each alternative images 44a, 44b, 44c to decide one of alternative images should be used for the replacing. Similarly one of alternative images 46a, 46b, 46c is selected for replacing image 30 in HTML file of fig.5A; Hill, col.7, line 52 – col.8, line 43). The rationale is incorporated herein.

**Regarding claim 9**, which is dependent on claim 2, the combination of Adams and Hill teaches wherein the step of using the particular one further comprises the step of omitting, from the content file, the specification of the alternative selectable views which were not selected by the evaluating step of using the determined evaluation result (Adams, figures 5A and 5B; col.10, lines 2-26; selecting one of alternative images (for example 44a) to replace the image 30 in the HTML file of fig.5A, leave out the alternative images which were not selected; Hill, col.7, line 52 – col.8, line 43). The rationale is incorporated herein.



**Regarding claim 10**, which is dependent on claim 7, the combination of Adams and Hill teaches omitting, from the response, the particular parent element and the child elements which were not selected by the evaluating step (Adams, figures 5A and 5B, selecting one of alternative images (for example 44a) to replace the image 30 in the HTML file of fig.5A, leave out the parent element "<RDF:LI>" and alternative images which were not selected; Hill, col.7, line 52 – col.8, line 43). The rationale is incorporated herein.

**Regarding claim 11**, which is dependent on claim 1, the combination of Adams and Hill teaches substituting the selected alternative view, within the content file, for the specification of the plurality of alternative selectable views and conditions (Adams, fig.5B; col.10, lines 14-19; substituting the selected alternative view (for example 44a) for other alternative views; Hill, col.7, line 52 – col.8, line 43). The rationale is incorporated herein.

**Regarding claim 12**, which is dependent on claim 3, the combination of Adams and Hill teaches using selected alternative view, within the content file to generate a version of the particular web page wherein the content portion reflects the one or more evaluated factors (Adams, col.6, lines 36-47; col.8, line 45 – col.9, line 34; col.9, lines 55-58; col.10, line 11-26; modifying the requested web page based on the factor values; Hill, col.7, line 52 – col.8, line 43). The rationale is incorporated herein.

**Regarding independent claim 18**, Adams teaches the steps of:

- means for receiving at a server-side device, a client request for a particular web page (Adams, col.5, lines 59-60; col.7, lines 52-58; server receiving a request for a web page (HTML document) from a client's pervasive device);
- means for locating a template for the particular web page, responsive to operation of the means for receiving the client request, wherein the template specifies a plurality of alternative selectable views of a component that forms a portion of particular web page, conditions under which each of the views should be selectable views, and an associated selection identifier for each of the specified alternative selectable views (Adams, figures 5A and 5B; col.5, lines 59-67; col.8, lines 34-42; col.9, line 37 – col.10, line 26; locating HTML template 40 (fig.5B) for the requested web page, wherein the template specifies many of alternative views 44a, 44b, 44c for different type of pervasive computer device, so that one of alternative images 44a, 44b, 44c is selected for replacing image 30 in HTML file of fig.5A. Each alternative view having conditions for matching with the display characteristics of pervasive computer device requesting the web page and an associated selection identifier, such as “HIEGHT”, “WIDTH” and “COLOR” parameter and its values);
- means for evaluating one or more factors to determine an evaluation result, wherein the factor are determined from the specified conditions (Adam, col.6, lines 35-47; col.9, lines 16-34; col.10, lines 11-19; display characteristic of pervasive computer device requesting the web page, such as screen height, screen width or color depth must be evaluated to have a result to decide one of alternative images for the display

capabilities of the pervasive device requesting the web page, should be used for the replacing);

- means for mapping the determined evaluation result to a particular one of the specified selection identifiers, thereby selecting the associated one of the specified alternative selectable views (Adam, col.6, lines 35-47; col.10, lines 11-19; in order to decide that one of alternative images appropriate/match for the display capabilities of the pervasive device requesting the web page, the evaluate result must be compared with the "HIEGHT", "WIDTH" and "COLOR" parameter and its values);
- using, when generating a version of the particular web page, the selected alternative view of the component in place of the specified plurality of alternative selectable views, the conditions and the associated selection identifies (Adam, col.9, lines 54-58; col.10, lines 11-26; replacing image 30 in the HTML file in fig.5A with the selected alternative image and displaying the web page with the selected alternative image via pervasive computing device requesting the web page).

Adams teaches the template file comprising the selectable alternative views and the conditions for transforming a content source is referred from the content source through a reference link (Adams, fig. 5A, reference link <link href= "http://foo.com/catalog.meta">). However, Adams does not explicitly disclose the template is within the content source.

Hill teaches a transformation file for transforming a content source is within a content source or referred from a content source using a reference link (Hill, col.7, line 52 – col.8, line 43).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hill's teaching and Adams' teaching to embed the template into the content source, since the combination would have provided information for displayed the document in a single file in stead of two separated files as Hill disclosed.

**7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Hill as applied to claim 1 above and further in view of Kanevsky, US 6,300,947 B1, filed 07/98, patented 10/01.**

Regarding claim 5, which is dependent on claim 1, Adams teaches the template is embedded in a markup language document (Adams, col.10, lines 1-4, the template 40 is embedded in the HTML file of fig.5A via link 42; "http://foo.com/catalog.meta" includes in the third line of the HTML file of fig.5A). However, Adams does not explicitly disclose the template is specified in a scripting language.

Kanevsky teaches scripting instructions allow produce web pages that fit to a format of a display device (Kanevsky, col.8, lines 2-8).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined kanevsky's teaching and Adams' teaching to used script language in the template, since the combination would have provided the template in markup language as well as script language that includes instructions for produce web pages for client's display device as Kanevsky disclosed.

**8. Claims 13-14, 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being**

Art Unit: 2178

unpatentable over Adams et al., US 6,457,030 B1, filed 01/99, patented 09/24/02, in view of Hill et al., US 6,023,714, filed 04/24/97, filed 03/02/01, and Narin, US 6,966,034 B2, filed 01/01.

**Regarding independent claim 13**, Adams teaches the steps of:

- determining at a server-side device, that content is generated from a particular template, wherein the template specifies a plurality of alternative selectable views of a component that forms a portion of the content, conditions under which each of the views should be selected, and an associated selection identifier for each of the specified alternative selectable views (Adams, figures 5A and 5B; col.5, lines 59-67; col.8, lines 45-57; col.9, line 37 – col.10, line 26; determining that content is generated from template file <http://foo.com/catalog.meta> (fig.5B), wherein the template specifies many of alternative views (fig.5B, alternative view 44a, 44b, 44c) of an image that is used to replace image 30 in the requested HTML file of fig.5A. The templates specifies associated selection identifier, such as BYTES parameter that describe characteristic of the alternative view);
- evaluating one or more factors to determine an evaluation result, wherein the factors are determined from the specified conditions (Adam, col.6, lines 35-47; col.9, lines 16-34; col.10, lines 11-19; display characteristic of pervasive computer device requesting the web page, such as screen height, screen width or color depth must be evaluated to have a result to decide one of alternative images for the display capabilities of the pervasive device requesting the web page, should be used for the replacing);

Art Unit: 2178

- mapping the determined evaluation result to a particular one of the specified selection identifiers, thereby selecting the associated one of the specified alternative selectable views (Adam, col.6, lines 35-47; col.10, lines 11-19; in order to decide that one of alternative images appropriate/match for the display capabilities of the pervasive device requesting the web page, the evaluate result must be compared with the “HIEGHT”, “WIDTH” and “COLOR” parameter and its values); and
- using, when generating a version of the content, the selected alternative views of the component (Adam, col.9, lines 54-58; col.10, lines 11-26; replacing image 30 in the HTML file in fig.5A with the selected alternative image and displaying the web page with the selected alternative image via pervasive computing device requesting the web page).

Adams teaches the template file comprising the selectable alternative views and the conditions for transforming a content source is referred from the content source through a reference link (Adams, fig. 5A, reference link <link href= “http://foo.com/catalog.meta”>). However, Adams does not explicitly disclose the template is within the content source and determining that content *should be* generated from a particular template.

Hill teaches a transformation file for transforming a content source is within a content source or referred from a content source using a reference link (Hill, col.7, line 52 – col.8, line 43).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hill’s teaching and Adams’ teaching to embed the

template into the content source, since the combination would have provided information for displayed the document in a single file in stead of two separated files as Hill disclosed.

Narin teaches information identifies the particular web browser and displaying capabilities of a computer device requesting a web page contains in user-agent request header and supplemental request header (Narin, col.6, lines 28-31; col.7, lines 21-29; col.8, lines 12-20). Server receives a request from a client for a web page (Narin, col.3, lines 1-6; col.8, lines 50-51). Determining whether the supplemental request header and/or user-agent request header exist in the HTTP request (Narin, col.8, line 58 – col.9, line 6). If one of the headers does exist, selecting a best-suit web page to the existed header information for sending to the client (Narin, col.9, lines 3-45). If the request does not include any header, sending a generic response by sending entire web page as requested (Narin, col.9, lines 46-50).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Narin's teaching into Adams' teaching to determining that content should be generated from a particular template, since the combination would have provided a generic web page, such as the web page with image 30 and 32 when a client's pervasive computer device does not existed.

**Regarding claim 14**, which is dependent on claim 13, Adams teaches distributing the generated version of the content to a client-side device (Adams, fig.1A, "display HTML file with modified element(s) via pervasive computing device).

Art Unit: 2178

**Regarding claim 16**, which is dependent on claim 13, the combination of Adams and Hill teaches embedding the selected alternative view into the generated version of the content in place of the specified plurality of alternative selectable views, conditions and associated selection identifiers (Adams, col.10, lines 11-26; the modified web page includes the alternative view (for example 44a) which replaced the image 30; Hill, col.7, line 52 – col.8, line 43).

The rationale is incorporated herein.

**Regarding claim 17**, which is dependent on claim 13, Adams teaches embedding an identifier of the selected alternative view into the generated version of the content in place of the specified plurality of alternative selectable views, conditions and associated selection identifiers (Adams, the modified web page includes conditions and identifier, such as the alternative view (for example 44a) which replaced the image 30).

**Claim 19** is for a computer program product embodied on computer readable media (Adams, col.4, lines 51-66; col.5, lines 26-41) performing the method of claim 13 and is rejected under the same rationale.

9. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Hill and Narin as applied to claim 13 above, and further in view of Beranek, US 6,226,642 B1, filed 09/97, patented 05/01.**

**Regarding claim 15**, which is dependent on claim 13, Adams does not explicitly teach storing the generated version of the content in a repository.



Beranek teaches "after the Web page has been modified, the modified page is preferably stored back in the cache at step 271 in order that it may be reused if and when the user desires to revisit the page at a subsequent time" (Beranek, col.12, lines 31-35).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Beranek's teaching into Adams' teaching to storing the modified web page for an alternative view in cache, since the combination would have reused the modified web page if and when the user desires to revisit the page at a subsequent time as Beranek disclosed.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parasnis et al., US 2001/0044809 A1, filed 12/00, teaches external and embedded style sheet to HTML document.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-5 and 7-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that Adams use two separate files, one is a source file and one is a linked/associated file while applicants' invention is use only one file (Appeal brief, paragraphs 16-22).

However, the combination of Adams and Hill teaches such limitation as explained in the rejection above.

Art Unit: 2178

Applicants argue that the combination of Adam and Hind is improper, since no suggestion or motivation found either in the references or in the knowledge generally available (Appeal brief, paragraphs 29-33).

However, the combination of Adam and Hill is proper, wherein the motivation is found in Hill reference as explained in the rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thu V. Huynh  
March 30, 2007